

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

7 DAVID JOHNSON,

Case No: C 09-3082 SBA

Plaintiff,

9 | VS.

10 ANOUSHEN and ARIA AFJEI,

Defendants.

AND THIRD PARTY ACTION.

**ORDER GRANTING MOTION FOR
WITHDRAWAL OF ATTORNEYS
OF RECORD FOR DEFENDANTS
AND THIRD PARTY PLAINTIFFS
ANOUSHEN AFJEI AND ARIA
AFJEI**

Docket 14

14 The parties are presently before the Court on the motion of Timothy C. Williams,
15 Alexander Floum, Douglas K. Poulin and The Williams Firm to Withdraw as Counsel for
16 Defendants and Third Party Plaintiffs, Ahoushen Afjei and Aria Afjei. (Docket 14.) The
17 Court's Civil Local Rules authorize an attorney to withdraw as counsel of record so long as he
18 or she (1) provides written notice to the client and all other parties in the action and (2) obtains
19 leave of court. Civ. L.R. 11-5(a); Darby v. City of Torrance, 810 F. Supp. 275 (C.D. Cal.
20 1992). Permission to withdraw is discretionary. See Washington v. Sherwin Real Estate, 694
21 F.2d 1081, 1087 (7th Cir. 1982).

22 The Williams Firm and its attorneys have provided notice of the instant motion to
23 Anoushen Afjei and Aria Afjei, as well as to the other parties. The motion is noticed for hearing
24 on April 27, 2010. Under Local Rule 7-3(a), any opposition to the motion was due by April 6,
25 2010. The Court's Standing Orders provide that the failure to oppose a motion may be
26 construed as a consent to the granting of such motion. The Court has received no response to
27 the motion and counsel has indicated that Anoushen Afjei and Aria Afjei do not oppose the
28 firm's withdrawal. In addition, the record supports Counsel's withdrawal on the ground that

1 Anoushen Afjei and Aria Afjei have ceased paying their fees, in contravention of their
2 agreement. Therefore, having read and considered all papers filed in connection with this
3 matter, and finding good cause therefrom, the Court GRANTS the motion to withdraw.
4 Anoushen Afjei and Aria Afjei are hereby substituted in propria persona in place of The
5 Williams Firm and its attorneys.

6 Anoushen Afjei and Aria Afjei should be aware that although they are now representing
7 themselves in this action, they nevertheless are obligated to follow the same rules as
8 represented parties. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (finding that pro per
9 litigants must follow the same procedural rules as represented parties). Self-representation is
10 not an excuse for non-compliance with court rules. See Swimmer v. I.R.S., 811 F.2d 1343,
11 1344 (9th Cir. 1987) (“[i]gnorance of court rules does not constitute excusable neglect, even if
12 the litigant appears pro se.”) (citation omitted). It is Anoushen Afjei and Aria Afjei’s
13 responsibility to defend against the complaint and prosecute their third-party action. They
14 must keep the Court informed of any change of address and serve copies of all court filings on
15 all other parties. Failure to comply with any of these requirements may result in the imposition
16 of sanctions, up to and including the entry of a judgment against them and/or dismissal of their
17 third-party complaint. Accordingly,

18 IT IS HEREBY ORDERED THAT:

19 1. The motion of Timothy C. Williams, Alexander Floum, Douglas K. Poulin and
20 The Williams Firm to Withdraw as Counsel for Defendants and Third Party Plaintiffs
21 Ahoushen Afjei and Aria Afjei is GRANTED. The Williams Firm and the aforementioned
22 counsel are no longer counsel of record for Ahoushen Afjei and Aria Afjei and shall be
23 terminated in ECF.

24 2. Up to and including May 8, 2010, all notices, papers, and pleadings that may or
25 must be served on the Ahoushen Afjei and Aria Afjei shall be served upon The Williams Firm
26 by regular or overnight mail, which is ordered to forward any materials received directly to
27 Ahoushen Afjei and Aria Afjei upon receipt. See Civ. L.R. 11-5(b).

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1 3. After May 8, 2010, service upon Ahoushen Afjei and Aria Afjei shall be made
2 directly to them at the following address:

Ahoushen Afjei
Aria Afjei
86 Waterside Circle
Redwood Shores, CA 94065

6 4. The Williams Firm shall immediately serve Ahoushen Afjei and Aria Afjei with
7 a copy of this Order and shall thereafter file a proof of service to confirm the same.

5. This Order terminates Docket 14.

IT IS SO ORDERED.

10 | Dated: April 7, 2010

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge